

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ANTONIO BROWN,

Petitioner,

v.

SUPERINTENDENT CONWAY,

Respondent.

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**ORDER**  
05-CV-732S

1. On October 13, 2005, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

2. On December 22, 2005, Respondent filed an Answer to Petitioner's Petition. On May 2, 2006, this Court referred this case to the Honorable Hugh B. Scott, United States Magistrate Judge, for a Report and Recommendation.

3. On June 13, 2006, Judge Scott filed a Report and Recommendation recommending that Petitioner's Petition for Writ of Habeas Corpus be denied and dismissed.

4. On June 29, 2006, Petitioner filed Objections to Judge Scott's Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 72.3(a)(3). Respondent was provided the opportunity to respond to Petitioner's Objections, but did not do so.

5. This Court has thoroughly reviewed this case *de novo* and has considered Judge Scott's Report and Recommendation, Petitioner's Objections thereto and the applicable law. Upon due consideration, this Court will accept Judge Scott's recommendation and deny and dismiss Petitioner's Petition for Writ of Habeas Corpus for

the reasons stated in the Report and Recommendation. Petitioner's Objections are therefore denied.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's June 13, 2006 Report and Recommendation (Docket No. 15) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Petitioner's Objections (Docket No. 18) are DENIED.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DENIED and DISMISSED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 21, 2006  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge